

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defense Distributed,
Second Amendment Foundation, Inc.,
Firearms Policy Coalition, Inc.,
Firearms Policy Foundation,
The Calguns Foundation,
California Association of Federal
Firearms Licensees, Inc., and
Brandon Combs,

Plaintiffs,

v.

Gurbir Grewal, Attorney General of the
State of New Jersey,

Defendant.

Civil Action No. _____

Declaration of Brandon Combs

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**Pro hac vice* motions to be filed

Counsel for Plaintiffs

DECLARATION OF BRANDON COMBS

I, Brandon Combs, declare as follows:

1. I am the founder and president of institutional plaintiff Firearms Policy Coalition, Inc. (FPC), founder and president of institutional plaintiff Firearms Policy Foundation (FPF), the secretary and executive director of institutional plaintiff The Calguns Foundation (CGF), the founder and executive vice president of institutional plaintiff California Association of Federal Firearms Licensees, Inc. (CAL-FFL), and the creator and developer of CodeIsFreeSpeech.com. I am a Life member in good standing of Second Amendment Foundation and a current member in good standing of Defense Distributed "LEGIO," Defense Distributed's "political and technical fraternity." I reside outside of the State of New Jersey.
2. The CodeIsFreeSpeech (CIFS) project, located online at CodeIsFreeSpeech.com, is a project of Firearms Policy Coalition, Inc., Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, Inc., and individuals, including me, who are passionate about the Constitution and individual liberties, including the freedom of speech.
3. CodeIsFreeSpeech.com is a publicly-available Web site for the publication and re-publication of truthful, non-misleading, non-commercial political speech and information that is protected under the United States Constitution. The purpose of the CIFS project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CIFS contains, among other things, links to digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm, firearm receiver, magazine, or firearm component.
4. Firearms Policy Coalition, Inc. (FPC) is a 501(c)4 non-profit membership organization incorporated under the laws of Delaware with its principal place of business in Sacramento, California, with members and supporters throughout the country. FPC's primary mission is to protect and defend the Constitution of the United States and the People's rights, privileges, and immunities deeply rooted in this Nation's history and tradition through all lawful activities and programs, with a focus on the fundamental, individual right to keep and bear arms and freedom of speech. FPC has participated in and funded First Amendment direct advocacy (lobbying), grassroots advocacy, education, litigation, and other activities to defend and advance the freedom of speech. FPC is a partner (with FPF) in K12speech.com, a website

and initiative to help students and parents understand and lawfully exercise their rights, among other things.

5. Firearms Policy Foundation (FPF) is a 501(c)3 non-profit membership organization incorporated under the laws of Delaware with its principal place of business in Sacramento, California, with members and supporters throughout the country. FPF's primary mission is to protect and defend the Constitution of the United States and the People's rights, privileges, and immunities deeply rooted in this Nation's history and tradition through all lawful charitable activities and programs, with a focus on the fundamental, individual right to keep and bear arms and freedom of speech. FPF has participated in and funded First Amendment advocacy, education, litigation, and other activities to defend and advance the freedom of speech. FPF is a partner (with FPC) in K12speech.com, a website and initiative to help students and parents understand and lawfully exercise their rights, among other things.
6. The Calguns Foundation (CGF) is a 501(c)3 non-profit membership organization incorporated under the laws of California with its principal place of business in Sacramento, California. CGF is dedicated to promoting education about California and federal firearm laws and protecting the civil rights of California gun owners. CGF has participated in and funded First Amendment education, litigation, and other charitable activities to defend and advance the freedom of speech.
7. California Association of Federal Firearms Licensees, Inc. (CAL-FFL) is a 501(c)6 non-profit membership organization incorporated under the laws of California with its principal place of business in Sacramento, California. CAL-FFL members include firearm dealers, training professionals, shooting ranges, collectors, gun owners, and others who participate in the firearms ecosystem. CAL-FFL's mission is to defend and advance the interests of its members and the firearms ecosystem without compromising individual or economic rights. CAL-FFL has supported Second Amendment and First Amendment direct advocacy, grassroots advocacy, education, litigation, and other activities to defend and advance constitutional rights and a free market.
8. I began creating and developing CIFS during the week of July 22, 2018. CIFS was launched and made public on the Internet on July 31, 2018. At the time of its launch, CIFS used the Internet technology services of Professional Edge LLC (PELLC). The owner of PELLC represented to me that their Web hosting services utilized a software management layer that directed the use of Amazon AWS products, including Web servers.

9. On or about 4:04 p.m. August 1, 2018, CIFS was subject to a “takedown” from Amazon AWS under Abuse Case Number 17329175247-1. PELLC forwarded to me a copy of the takedown demand sent by Amazon AWS from Amazon EC2 Abuse (ec2-abuse@amazon.com). Referring to the URL http://codeisfreespeech.com/code_files/liberator_complete.zip, the takedown stated:

* Comments:

<<<

“Liberator (Download)- The Liberator is a physibler [sic], 3D-printable single shot handgun, the first such printable firearm design made widely available online, designed by Defense Distributed”

In order to comply with the temporary restraining order, the reported content must be taken down immediately.

Exhibit A is a true and correct copy of this message.

10. The temporary restraining order referred to in the Amazon AWS takedown demand did not restrain or otherwise enjoin or apply to CIFS, FPC, FPF, CGF, CAL-FFL, or me.
11. In response to the takedown demand and the fact that Amazon AWS could not be trusted to defend its customers and their important content against baseless attacks, CIFS ceased using Amazon AWS services and was migrated to other Web service providers that day.
12. PELLC represented to me that, through their conversations with Amazon AWS in response to the takedown demand, they were led to believe that a government actor may have sent Amazon AWS the takedown demand. According to PELLC, Amazon AWS would not disclose to them any information about the takedown demand sender.
13. After the migration was complete, on or about August 2, 2018, CodeIsFreeSpeech.com began to utilize Cloudflare services.
14. On or about August 4, 2018, Facebook banned the CodeIsFreeSpeech.com URL and “de-platformed” content about CIFS that contained the domain name. Facebook and Instagram began to actively block comments, posts, or even private messages containing the CodeIsFreeSpeech.com URL.
15. At approximately 12:50 p.m. Pacific Time on February 2, 2019, a takedown demand that was sent by the New Jersey Office of the Attorney General to

Cloudflare was forwarded to me through an email originating from “Cloudflare Abuse”. The takedown demand stated:

This is a notice to Cloudflare that you are serving files consisting of 3D printable firearms in violation of NJ Stat. Ann. § 2C:39-9 3(I)(2). These files are accessible via Cloudflare's New Jersey datacenter. You shall delete all files described within 24 hours or we will be forced to press charges in order to preserve the safety of the citizens of New Jersey.

Exhibit B is a true and correct copy of this message.

16. The “Reported URLs” in the New Jersey takedown demand were as follows:
 - https://codeisfreespeech.com/code_files/liberator_complete.zip
 - https://codeisfreespeech.com/code_files/ar15_lower_machining/instructions.pdf
 - https://codeisfreespeech.com/code_files/ar15_80_percent_lower.zip
 - https://codeisfreespeech.com/code_files/ar15_complete.zip
 - https://codeisfreespeech.com/code_files/ar10_complete.zip
 - https://codeisfreespeech.com/code_files/ruger_10-22_complete.zip
 - https://codeisfreespeech.com/code_files/1911_complete.zip
 - https://codeisfreespeech.com/code_files/vz58_complete.zip
 - https://codeisfreespeech.com/code_files/beretta_92fs_complete.zip
 - <https://codeisfreespeech.com/checksum.txt>
 - <https://codeisfreespeech.com/gun.png>
 - <https://codeisfreespeech.com/>
17. In an effort to comply with the takedown demand, I engaged the services of a network engineer at my expense. Exhibit C is a true and correct copy of an invoice received for these services.
18. At approximately 1:12 p.m. Pacific Time that same day, access to files at CodeIsFreeSpeech.com were restricted, thus making them inaccessible to anyone who browsed to or otherwise attempted to access them. The Web site itself continued to be accessible. Exhibit D is a true and correct copy of what the website now shows visitors.
19. I believe that the content of CodeIsFreeSpeech.com – including the suppressed digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a three-dimensional printer to

manufacture or produce a firearm, firearm receiver, magazine, or firearm component – is protected by the United States Constitution.

20. But for the challenged statutes, the challenged policies, practices, laws, and customs of, and the threat of prosecution by the New Jersey Office of the Attorney General, CIFS and all of its contents and files would have remained publicly-accessible, including to persons in the State of New Jersey.

I declare under penalty of perjury that the foregoing is true and correct.

Date: February 5, 2018

A handwritten signature in black ink, appearing to read 'Brandon Combs', written over a horizontal line.

Brandon Combs

Exhibit A

Fwd: Re: Your Amazon EC2 Abuse Report [17329175247] [AWS ID 759167349927]

Michael @ Professional Edge LLC <m3@professionaledgellc.com>

Wed, Aug 1, 2018 at 4:19 PM

Reply-To: m3@professionaledgellc.com

To: Brandon Combs

----- Forwarded Message -----

Subject: Re: Your Amazon EC2 Abuse Report [17329175247] [AWS ID 759167349927]

Date: Wed, 1 Aug 2018 16:14:35 -0700

From: Michael @ Professional Edge LLC <m3@professionaledgellc.com>

Reply-To: m3@professionaledgellc.com

To: Amazon EC2 Abuse <ec2-abuse@amazon.com>

CC: Michael @ Professional Edge LLC <m3@professionaledgellc.com>

Please provide a copy of the legal restraining order, or call me at my contact info below.

--

Michael Miyabara-McCaskey
Professional Edge / GeoVario Hosting
www.professionaledgellc.com
p. 800-208-5510 ext 646
f. 408-520-3293

Amazon EC2 Abuse wrote on 8/1/2018 4:04 PM:



[URGENT! IMMEDIATE ACTION REQUIRED OR AWS WILL TAKE ACTION AGAINST YOUR INSTANCES TO PREVENT ACCESS TO THE REPORTED CONTENT IN ORDER TO COMPLY WITH THE RECEIVED TEMPORARY RESTRAINING ORDER (TRO)]

Hello,

We've received a notice regarding unwanted content hosted on your AWS resources. A copy of the complaint identifying the content in question is included below.

Please review the attached notice and take appropriate action.

Regards,
AWS Abuse

Abuse Case Number: 17329175247-1

---Beginning of forwarded report---

* Log Extract:

<<<

http://codeisfreespeech.com/code_files/liberator_complete.zip

>>>

* Comments:

<<<

"Liberator (Download)- The Liberator is a physibler [sic], 3D-printable single shot handgun, the first such printable firearm design made widely available online, designed by Defense Distributed"

In order to comply with the temporary restraining order, the reported content must be taken down immediately.

>>>

How can I contact a member of the Amazon EC2 abuse team or abuse reporter?

Reply this email with the original subject line.

Amazon Web Services

Amazon Web Services LLC is a subsidiary of Amazon.com, Inc. Amazon.com is a registered trademark of Amazon.com, Inc. This message produced and distributed by Amazon Web Services, LLC, 410 Terry Avenue North, Seattle, WA 98109-5210.

Exhibit B

On 2019-02-02 12:25:03-08:00 Cloudflare wrote:

Cloudflare received an abuse report regarding:
codeisfreespeech.com

Please be aware Cloudflare is a network provider offering a reverse proxy, pass-through security service. We are not a hosting provider. Cloudflare does not control the content of our customers.

The actual host for codeisfreespeech.com are the following IP addresses. 208.82.143.90. Using the following command, you can confirm the site in question is hosted at that IP address: curl -v -H "Host: codeisfreespeech.com" 208.82.143.90/

Below is the report we received:

Reporter's Name: New Jersey Office of the Attorney General
Reporter's Email Address: dcjtipline@njdcj.org
Reporter's Telephone Number: 609-984-6500

Reported URLs:

https://codeisfreespeech.com/code_files/liberator_complete.zip
https://codeisfreespeech.com/code_files/ar15_lower_machining/instructions.pdf
https://codeisfreespeech.com/code_files/ar15_80_percent_lower.zip
https://codeisfreespeech.com/code_files/ar15_complete.zip
https://codeisfreespeech.com/code_files/ar10_complete.zip
https://codeisfreespeech.com/code_files/ruger_10-22_complete.zip
https://codeisfreespeech.com/code_files/1911_complete.zip
https://codeisfreespeech.com/code_files/vz58_complete.zip
https://codeisfreespeech.com/code_files/beretta_92fs_complete.zip
<https://codeisfreespeech.com/checksum.txt>
<https://codeisfreespeech.com/gun.png>
<https://codeisfreespeech.com/>

Reported Destination IPs:

{104.27.176.6,104.27.177.6,2606:4700:30::681b:b106,2606:4700:30::681b:b006}

Reported Destination Ports: {443/TCP}

Logs or Evidence of Abuse: This is a notice to Cloudflare that you are serving files consisting of 3D printable firearms in violation of NJ Stat. Ann. § 2C:39-9 3(l)(2). These files are accessible via Cloudflare's New Jersey datacenter. You shall delete all files described within 24 hours or we will be forced to press charges in order to preserve the safety of the citizens of New Jersey.

Please address this issue with your customer.

Regards,

Cloudflare Abuse

Exhibit C

INVOICE

Gryman Solutions

Paid

[REDACTED]
[REDACTED]
[REDACTED]@[REDACTED].com

Invoice #: 0002
Invoice Date: Feb 2, 2019
Due date: Mar 4, 2019

Amount due:
\$0.00

Bill To:

[REDACTED]@[REDACTED].com

Description	Hours	Rate	Amount
Website Migration Migrate web data, DNS, SSL certificates to new host.	1	\$100.00	\$100.00
Subtotal			\$100.00
Total			\$100.00

Exhibit D



CodeIsFreeSpeech.com is a publicly-available Web site for truthful, non-misleading, non-commercial speech and information that is protected under the United States Constitution. The purpose of this project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CodeIsFreeSpeech.com is a project of Firearms Policy Coalition, Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, and a number of individuals who are passionate about the Constitution and individual liberties. We wish to thank Cody Wilson and Defense Distributed for their courage, passion, innovation, and inspiration. CodeIsFreeSpeech.com and its contents are for education and information purposes only. Self-manufacturing or assembling a firearm may require a permit or license. Some people may be

prohibited under federal, state, and/or local laws.

Consult a licensed attorney for legal advice.

- You can send us a message [here](#).
 - Read our statement about our Code Is Free Speech project and CodeIsFreeSpeech.com [here](#).
 - You can make a tax-deductible donation to support this project [here](#).
 - Get Code Is Free Speech tee shirts / posters / etc. [here](#).
-

UPDATE: FEBRUARY 2, 2019

File access is currently restricted due to a threat of prosecution.

Please [Join FPC](#) and follow [FPC on Twitter](#) and [Facebook](#) for the latest news and updates. If you wish to support this Code Is Free Speech project, you can make a donation [here](#).

Fight For Your Rights - Stand With Us!

- [Donate to Firearms Policy Foundation](#)
- [Join Firearms Policy Coalition](#)
- [Donate to The Calguns Foundation](#)

- [Donate to California Association of Federal Firearms Licensees](#)
- [Donate to Second Amendment Foundation](#)
- [Join Defense Distributed LEGIO](#)



GET CODE IS FREE SPEECH GEAR

All proceeds from CIFS gear goes to support pro-Constitution programs to protect and advance individual liberty!



SHARE FREEDOM



CIFS redirects (for "tag-a-tyrant", etc.)

This [image](#) is a Liberator gun -- but only when you run a [script](#), and then construct and assemble it:

UPDATE: FEBRUARY 2, 2019

File access is currently restricted due to a threat of prosecution.



KNOW YOUR RIGHTS

United States Constitution, Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the

right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution, Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

United States Constitution, Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

United States Constitution, Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any

criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.



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